

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

ASHLEE R. DAUGHTRY and
TODD M. GRICHER,

Plaintiffs,

v.

CV 2:20-005

TYLER MANNING; DARRIN WATTS;
and JOHN DOE 1 to 6,

Defendants.

ORDER

Plaintiffs Ashlee Daughtry and Todd Gricher initiated this action on January 29, 2020. Dkt. No. 1. On May 18, 2020, Defendants Tyler Manning and Darrin Watts moved to dismiss the Complaint. Dkt. No. 9. On June 1, 2020, Plaintiffs amended their complaint and opposed the motion to dismiss. Dkt. Nos. 12, 13.

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1)(B). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d

1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

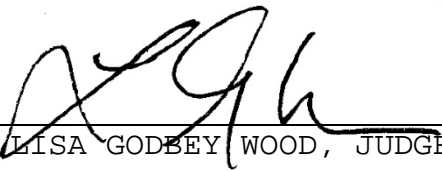
DISCUSSION

Plaintiffs timely filed their first Amended Complaint as a matter of course pursuant to Rule 15(a)(1)(B). Further, Plaintiffs' Amended Complaint supersedes their original Complaint. Defendants Manning and Watts' motion to dismiss the original Complaint, dkt. no. 9, has thus been rendered moot by Plaintiffs' filing of their Amended Complaint. Should Defendants wish to renew their motion to dismiss with regard to the Amended Complaint, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

For the reasons stated above, Defendants' Motion to Dismiss the original Complaint, dkt. no. 9, is **DENIED as moot**.

SO ORDERED, this 2nd day of June, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA